IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TEXARKANA DIVISION

WAYNE HARRIS §

VS. § CIVIL ACTION NO. 5:07-CV-48

PAUL KASTNER §

MEMORANDUM OPINION AND ORDER

Petitioner Wayne Harris, a federal prisoner confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, brings this petition for writ of mandamus pursuant to 28 U.S.C. § 1651.

Discussion

On May 17, 2007, petitioner moved to withdraw the petition. Respondent has not indicated any opposition to the motion.

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the petition may be dismissed upon the petitioner's request on terms that the Court considers proper. After due consideration, the Court is of the opinion that petitioner's motions to dismiss should be granted, and the petition should be dismissed without prejudice. It is accordingly

ORDERED that petitioner's motion to dismiss this action is **GRANTED**. A final judgment will be entered in accordance with this memorandum opinion and order.

SIGNED this 7 day of March, 2008.

DAVID FOLSOM

UNITED STATES DISTRICT JUDGE